

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA :

- v. - :

Up to \$6,100,000 on Deposit in
Account No. [REDACTED] 5876 at Bank
Julius Baer Co. Ltd (Guernsey
Branch); and :

Up to \$3,651,339 on Deposit in
Account No. [REDACTED] 5568 at Bank
Julius Baer Co. Ltd (Guernsey
Branch); :

Defendants in Rem. :

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DOC #:
DATE FILED: 10/5/09**

AMENDED
ARREST WARRANT IN REM

07 Civ. 4430 (RJS)

AMENDED WARRANT FOR ARREST OF PROPERTY AND ORDER FOR NOTICE

WHEREAS, on or about May 30, 2007, the United States filed a verified complaint for forfeiture (the "Verified Complaint") against the above-described property;

WHEREAS, on June 12, 2007, the Honorable Kenneth M. Karas issued an Arrest Warrant in Rem for (a) up to \$6,100,000 on deposit in account number [REDACTED] 5876 at Bank of Julius Baer Co. Ltd. (Guernsey Branch); and (b) up to \$3,651,339 on deposit in account number [REDACTED] 5568 at Bank Julius Baer Co. Ltd. (Guernsey Branch), based on a review of the Verified Complaint, finding, in accordance with Rule G of the Supplemental Rules for Certain Admiralty and Maritime Claims, that probable cause exists that such funds are (i) property constituting or derived from proceeds

traceable to fraud in the sale of securities, in violation of 15 U.S.C. §§ 78j(b) and 78ff, and 17 C.F.R. §§ 240.10b-5 and 240.105-2; and (ii) property constituting or derived from a conspiracy to commit fraud in connection with the purchase and sale of securities, in violation of 18 U.S.C. § 371, and property traceable to such property, and therefore are subject to forfeiture pursuant to 18 U.S.C. §§ 981(a)(1)(C) and 984;

WHEREAS, the Government has requested the issuance of an Amended Arrest Warrant in Rem based on its determination to seek forfeiture of a lesser sum of money on deposit in account number ■■■5568 at Bank Julius Baer Co. Ltd. (Guernsey Branch), to wit, up to \$1,900,000;

WHEREAS, the Court has reviewed the Verified Complaint and the Government's request for an Amended Arrest Warrant in Rem and hereby finds, in accordance with Rule G of the Supplemental Rules for Certain Admiralty and Maritime Claims, that probable cause exists that (a) up to \$6,100,000 on deposit in account number ■■■5876 at Bank of Julius Baer Co. Ltd. (Guernsey Branch); and (b) up to \$1,900,000 on deposit in account number ■■■5568 at Bank Julius Baer Co. Ltd. (Guernsey Branch) (hereinafter the "Defendant Funds") are: (i) property constituting or derived from proceeds traceable to fraud in the sale of securities, in violation of 15 U.S.C. §§ 78j(b) and 78ff, and 17 C.F.R. §§ 240.10b-5 and 240.105-2; and (ii) property constituting or

derived from a conspiracy to commit fraud in connection with the purchase and sale of securities, in violation of 18 U.S.C. § 371, and property traceable to such property, and, therefore, the Defendant Funds, and all property traceable thereto, are subject to forfeiture pursuant to 18 U.S.C. §§ 981(a)(1)(C) and 984.

IT IS, THEREFORE, ORDERED that:


1. Pursuant to Rule G(3)(B)(iv) of the Supplemental Rules for Certain Admiralty and Maritime Claims, the Attorney General of the United States or his duly authorized representative is hereby directed to request that the proper authorities of the Government of Guernsey (a) arrest the said Defendant Funds on behalf of the United States by serving this Amended Arrest Warrant *in Rem* on their custodian, (b) make return thereon, and (c) restrain or take the Defendant Funds into custody pending further order of this Court; and

2. Subsequent to the execution of the process as aforesaid, pursuant to Rule G(4) of the Supplemental Rules for Certain Admiralty and Maritime Claims, the United States shall issue public notice of this action and of the arrest of the funds as set forth in this Amended Warrant of Arrest *in Rem*, which notice shall be published for thirty consecutive days on www.forfeiture.gov, a U.S. Government internet site, and one time per week for three consecutive weeks in the International Herald Tribune, or such other local or international newspaper of

general circulation where the funds are located and will be restrained or seized. Such notice shall specify the time within which a claim and answer must be filed as required by Rule G(5) of the Supplemental Rules for Certain Admiralty and Maritime Claims.

Dated: New York, New York
October 6, 2009

SO ORDERED:



HONORABLE RICHARD J. SULLIVAN
UNITED STATES DISTRICT JUDGE